

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LAIBILITY
LITIGATION

This Document Relates to:
All Cases

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IN RE: NEW ENGLAND COMPOUNDING
PHARMACY CASES

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) Master File No. 1:13-md-02419-FDS
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MOTION TO ALTER OR AMEND JUDGMENT UNDER RULE 59(e)

For the reasons set forth in the accompanying memorandum, the Roanoke Gentry Locke Plaintiffs¹ move the Court to alter or amend its May 31, 2013, Opinion and Order (the “Order”) under Federal Rule of Civil Procedure 59(e). As more fully explained in the accompanying memorandum, the Order’s treatment of “related-to” jurisdiction and mandatory abstention presents manifest errors of law and works a manifest injustice. The Roanoke Gentry Locke Plaintiffs ask the Court to amend the Order to indicate that (1) the Court does not have “related-to” jurisdiction of the Roanoke Gentry Locke Plaintiffs’ claims and (2) even if it did have such jurisdiction, the mandatory abstention provisions of 28 U.S.C. § 1334(c)(2) would prevent it from exercising that jurisdiction.

¹ The Roanoke Gentry Locke Plaintiffs consist of parties who, represented by the law firm Gentry Locke Rakes & Moore, have filed personal injury and wrongful death claims against Non-Debtor Third-Party Defendants in Virginia state court. These Non-Debtor Third-Party Defendants are: Image Guided Pain Management, P.C., John M. Mathis, M.D., Robert F. O’Brien, M.D. and Insight Health Corp.

ROANOKE GENTRY LOCKE PLAINTIFFS

/s/ J. Scott Sexton
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CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2013, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system, which then sent a notification of such filing (NEF) to all counsel of record.

/s/ J. Scott Sexton